

Message Text

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FM USMISSION USBERLIN

TO AMEMBASSY BONN

INFO SECSTATE WASHDC 250

AMEMBASSY LONDON

AMEMBASSY PARIS

S E C R E T USBERLIN 2271

E.O. 11652: GDS

TAGS: PINS, WB

SUBJECT: SENAT REQUEST FOR PERMISSION TO
ISSUE FIREARMS TO CERTAIN JUDGES

1. IN WAKE OF DRENKMANN MURDER AND UNDER PRESSURE FROM BERLIN JUDGES, JUSTICE SENATOR KORBER, INDICATING HE HAD SUPPORT OF GOVMAYOR AND SENATOR FOR INTERIOR, MAYOR NEUBAUER, RECENTLY ASKED ALLIED PERMISSION TO ISSUE HANDGUNS TO CERTAIN JUDGES AND PUBLIC PROSECUTORS WHO FELT THREATENED BECAUSE OF THEIR CONNECTION WITH BAADER-MEINHOF TRIALS. IN PRELIMINARY DISCUSSION AMONG THEMSELVES THE ALLIES DETERMINED THAT THEY HAD SERIOUS RESERVATIONS ABOUT ACCEDING TO KORBER'S REQUEST, BOTH BECAUSE IT WOULD DEVIATE FROM FIRM ALLIED POLICY OVER THE YEARS TO TURN DOWN SIMILAR REQUESTS AND BECAUSE THEY FORESAW LITTLE ADDITIONAL PROTECTION RESULTING AND SOME ADDED RISK SHOULD MOSTLY UNTRAINED PERSONS BE SO ARMED. IN AN EFFORT TO TURN OFF KORBER, WHO PRESENTED HIS PROPOSAL TO THE CHAIRMAN DEPUTY COMMANDANT (US) IN A STATE OF HIGH AGITATION, ALLIES AGREED TO ASK HEAD SENAT CHANCELLERY HERZ, WHO ALSO HARBORED PERSONAL DOUBTS ABOUT WISDOM OF REQUEST, TO SCHEDULE MEETING TO DISCUSS MATER FURTHER. AT THIS SESSION DECEMBER 11 WITH SENAT LIAISON OFFICER AND
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PUBLIC SAFETY ADVISERS, KORBER AGAIN EMPHASIZED THAT

HE SPOKE ON BEHALF OF GOVMAY AND THE CITY'S POLITICAL LEADERSHIP, AND ASKED FOR EARLY ALLIED DECISION. (IN MEANTIME WE HAVE LEARNED THAT POLICE PRESIDENT STRONGLY OPPOSED KORBER REQUEST, CLAIMING POLICE WERE FULLY PREPARED TO FURNISH ALL PROTECTION REQUIRED, BUT HE WAS NOT OFFICIALLY INFORMED OF DECEMBER 11 MEETING, TO WHICH HE WOULD HAVE LIKED TO HAVE BEEN INVITED.)

2. FOUR-POWER ALLIED CONTROL COUNCIL LAW 43 PROHIBITS POSSESSION OF FIREARMS BY GERMANS IN BERLIN. WESTERN ALLIES HAVE MADE GENERAL EXCEPTIONS FOR POLICE, PRISON GUARDS, GAME WARDEN, AND CUSTOMS OFFICERS, AND WE HAVE PERMITTED PRIVATE CITIZENS TO KEEP SPORTING WEAPONS AT CLUBS UNDER POLICE SUPERVISION, BUT WE CAN FIND NO RECORD OF EXCEPTIONS FOR PRIVATE CITIZENS, EVEN DURING PAST PERIODS OF TURBULENCE SUCH AS IN MID-FIFTIES. ALLIED COMMANDANTS AND BERLIN POLICE HAVE REPEATEDLY REJECTED REQUESTS FROM HUNTERS, AIRLINE REPS (E1 A1), CONSULAR AND MILITARY MISSION PERSONNEL, AND BUSINESSMEN (INCLUDING AXEL SPRINGER).

3. IN DECEMBER 11 DISCUSSION, KORBER COUNTERED ALLIED CONCERNS WITH CLAIMS THAT JUDGES WOULD AT LEAST FEEL SAFER AND THAT JUDGES, WHO WERE OFFICER OF THE STATE, COULD NOT BE COMPARED WITH BUSINESSMEN OR TAXI DRIVERS, SO THIS EXCEPTION WOULD NOT LEAD TO OTHERS. KORBER SAID SENAT WOULD STRICTLY LIMIT NUMBER OF THOSE RECEIVING WEAPONS TO AROUND FORTY AND WOULD ENSURE THAT THEY RECEIVED TRAINING. HE REFERRED TO JUDGES BEING ARMED IN FRG AND SAID BERLIN JUDGES COULD NOT BE ASKED TO ASSUME GREATER RISKS. INEQUITY WOULD IMPAIR MORALE OF LOCAL JUDGES AND COULD LEAD TO RESIGNATIONS. ALLIED REPS PROMISED TO CONSIDER THE MATTER FURTHER AND TO INFORM SENAT OF DECISION ASAP.

4. WHILE WE ARE SYMPATHETIC TO KORBER'S CONCERNS, WE BELIEVE ON BALANCE WE SHOULD TURN HIM DOWN, SUGGESTING IN PROCESS THAT OTHER MEASURES SUCH AS DISTRIBUTION OF GAS PISTOLS (FOR WHICH NO PERMIT REQUIRED) MIGHT BE CONSIDERED. WE WOULD EMPHASIZE THAT PROTECTION OF THREATENED INDIVIDUALS IS AND MUST REMAIN A POLICE SECRET

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RESPONSIBILITY. WE RECOGNIZE RISK THAT IN EVENT OF

INCIDENT, THERE MIGHT BE TENDENCY TO SAY, "WE HAD ASKED ALLIES TO PERMIT ARMING.... BUT" HERZ AND KORBER, HOWEVER, TOLD ALLIED REPS THEY WOULD ESCHEW SUCH A LINE.

5. BRITISH AND FRENCH MISSIONS ARE SEEKING GUIDANCE FROM

EMBASSIES SO THAT MATTER MAY BE RAISED IN
BONN. UNLESS INSTRUCTED OTHERWISE, WE WILL PURSUE LINE
PARA 4 ABOVE IN FORMULATING ALLIED POSITION.SELIGMANN

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